

Message Text

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TAGS: SENV, OCON, CA, UR, NO, DA

SUBJECT: INTERIM AGREEMENT ON THE CONSERVATION OF POLAR
BEARS

GENEVA PASS IUCN, MORGES

REF: NICHOLLS- COERR LETTER OF MARCH 30, 1973

1. USG WILL BE PLEASED TO ATTEND IF INVITED TO INTERGOVERN-
MENTAL MEETING IN OSLO IN NOVEMBER TO PRODUCE ABOVE AGREE-
MENT.

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2. COMMENTS FOLLOW ON DRAFT REVISIONS SUGGESTED IN REFERENCE LETTER (SAME SEQUENCE):

PROPOSED REVISION A (MARCH, 1973)

NOTE 1, (ART. I(1)). THE PHRASE " APPROPRIATE ACTION" IS CUSTOMARY ONE REFLECTING FACT THAT DIFFERING TYPES OF LEGISLATIVE OR REGULATORY ACTION MAY NEED TO BE TAKEN BY DIFFERENT STATES. WE PREFER ITS RETENTION BUT ARE WILLING DISCUSS IT.

NOTE 2. NO COMMENT, PENDING FURTHER EXPLANATION OF PURPOSE OF OBJECTION.

NOTE 3. USG CONCURS.

NOTE 4, (ART. I(4)). INSERTION OF THE WORD " HUNTING" IN THE MANNER SUGGESTED WOULD BE OBJECTIONABLE BECAUSE IT COULD BE CONSTRUED TO MEAN THAT THE EXCLUSION WOULD APPLY GENERALLY TO HUNTING, KILLING AND CAPTURE FOR SCIENTIFIC PURPOSES BUT TO HUNTING (ONLY) AS A CONTINUATION OF TRADITIONAL RIGHTS. WE BELIEVE, FURTHERMORE, THAT THE PHRASE " WHO DEPEND ON THIS RESOURCE" SHOULD BE RETAINED IN ORDER TO STRICTLY DEFINE THE " LOCAL PEOPLE" WHO ENJOY THE CONTINUATION OF TRADITIONAL RIGHTS. WE DO NOT BELIEVE THAT THESE RIGHTS SHOULD BE ENJOYED BY PEOPLE WHO ARE NOT DEPENDENT ON THE RESOURCE. NOTING OBSERVATION THAT THIS EXCLUSION SHOULD ALSO BENEFIT POTENTIALLY (SIC) DEPENDENT PEOPLES, WE BELIEVE THAT IT SHOULD BE LIMITED TO PRESENTLY DEPENDENT PEOPLES.

NOTE 5, (ART. II(1)). THE CONCERN HERE MAY POSSIBLY ARISE FROM THE LOCATION OF THE PHRASE " AND IN ACCORDANCE WITH INTERNATIONAL LAW," IN THAT IT COULD BE INTERPRETED TO MODIFY THE WORD " JURISDICTION." THE INTENT IS FOR THE PHRASE TO MODIFY " ACTION," AND THUS CONSTRUED WOULD BE APPROPRIATE AND USEFUL.

NOTE 6. NO OBJECTION TO THIS RESTRUCTURING.

NOTE 7, (ART. II(2)). REASON FOR RETENTION OF THE PHRASE " AND IN COOPERATION" WITH OTHER CONTRACTING PARTIES IS THAT THERE WILL ALMOST CERTAINLY BE CIRCUMSTANCES, SUCH UNCLASSIFIED

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AS WHEN POLAR BEAR POPULATIONS MIGRATE ACROSS INTERNA-

TIONAL BOUNDARIES, WHERE COOPERATION WILL BE ADVISABLE.

NOTE 8. NO OBJECTION TO THIS CHANGE.

NOTE 9, (ART. II(2)). WE BELIEVE THE BRACKETED PHRASE WOULD BE USEFUL TO INDICATE THAT THE PROPOSED CONVENTION SHOULD BE AT LEAST AS BROAD IN SCOPE AS THE INTERIM AGREEMENT.

PROPOSED REVISION B

NOTE 1 (ART. I(2)). WE HAVE INCLUDED THE PHRASE " ANY OF ITS PORTS OR HARBOURS OR" BECAUSE IT PROVIDES SPECIFICITY THAT COULD FACILITATE OUR ENFORCEMENT PROCEDURES.

NOTE 2. WE WOULD ENDORSE PROPOSAL TO PROVIDE FOR KILLING OF " NUISANCE" BEARS, IF FURTHER PROVISION WERE

ADDED THAT THEY WERE TO BE FORFEITED AND NOT MADE AVAILABLE FOR COMMERCIAL PURPOSES. WE SUGGEST FOR INSERTION AFTER THE WORD " KILLING" THE PHRASE " OR LIVE REMOVAL." PORTER

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